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DEPARTMENT OF ECOLOGY
NORTHWEST REGION

Mr. Walter Becker
Eastern Electric Apparatus
Repair Company, Inc.
1513 Cleveland Avenue
Building 100, Suite 300
East Point, Georgia 30344

Dear Mr. Becker:

In response to your letter of October 29, I would like to clarify the items you discussed in the same order as they were presented.

(1) When transporting transformers and capacitors that have not been drained of their oil which contains less than 50 ppm PCBs, the question that must be answered is "Am I shipping a waste or a product?" If shipping a product, the transporter is not subject to chapter 173-303 WAC, unless a spill of a hazardous material were to occur. If shipping a waste, the transporter would be subject to chapter. 173-303 WAC. In the case of transformers, the act of draining the transformer qualifies as the act of generation. Therefore, transformers that have not been drained yet are not a waste unless they have not been rinsed and are bound for disposal.

(2) Facilities who receive a full transformer and then drain it would be subject to the dangerous waste generator requirements. These requirements include accumulation time limits. For generators of over 2,200 pounds per month, the time limit is 90 days. For generators of less than 2,200 pounds per month, the time limit is 180 days. If a generator exceeds his accumulation period, he would be subject to the storage facility permit requirements.

Alternatively, if the facility:

(a) stores the PCB wastes in a manner equivalent to the requirements of 40 CFR 761.65 as if the wastes were over 50 ppm, and

(b) within one year of removal from service disposes of the wastes at an approved TSCA facility,

then the PCB wastes would be exempt from the dangerous waste regulations.

(3) The Seattle facility would be classified as a TSD facility if it accepts regulated quantities of less than 50 ppm PCB transformer oil from off-site generators for ultimate disposal, because such oil would be considered a waste.

The question of whether or not using the less than 50 ppm PCB oil to flush greater than 50 ppm PCB oil would be considered "an effective substitute for a commercial chemical product," must be resolved on a case-by-case basis. Minimally, the acceptability of such a practice under TSCA would have to be considered as well as the solvent-like properties the oil may or may not have when used in this manner. I did not intend to convey approval of such a process when we discussed this earlier, I only meant to include it as a possibility. You should contact the Northwest Regional Office for site-specific questions such as these. If the regional office determines that less than 50 ppm PCB oil used in this manner would qualify as an effective substitute for a commercial chemical product, the oil would not be considered a waste and would, therefore, not need to be manifested unless the oil was speculatively accumulated, burned for energy recovery, or used in a manner constituting disposal.

(4) Spills and leaks from active transformers of less than 50 ppm PCB are not subject to the dangerous waste regulations and neither are soils contaminated from these occurrences. I am unfamiliar with any other constraints that you may operate under that would affect your ability to accept soils contaminated in this way. Regardless of whether or not the soil would be handled under 40 CFR Part 761, your Seattle facility would not be subject to the TSD requirements if this was the only waste it handled.

However, if the soil is contaminated with PCBs from a spill or leak that occurred from a less than 50 ppm PCBs transformer that was intended for disposal, salvaging or rebuilding, then the spill and contaminated soil would be subject to the dangerous waste regulations.

(5) Rags, gloves, oil dry, etc., contaminated with less than 50 ppm PCB would not be considered a dangerous waste if these items were generated as the result of handling products. If, however, the items were generated as the result of rebuilding, salvaging or disposal activities, they may very well be considered as dangerous wastes.

(6) See response to item three.

Due to the complexity of the dangerous waste regulations and how they relate to specific facility operations, the above answers represent generalizations based on several assumptions for each response. The discussion is not intended to be categorical for all situations, and any attempt to take them as the "final" answer would be inappropriate. Your

compliance with the dangerous waste regulations is determined by regional inspectors who are able to visit your site, become familiar with its individual characteristics, and respond on a much more specific level. I would urge you to contact a hazardous waste regional inspector for answers related to compliance issues, rather than the type of generalized information provided above. You can start by contacting John Conroy of our Northwest Regional Office, Redmond, at 885-1900.

Sincerely,

Marie Zuroske
Program Development Unit
Solid and Hazardous Waste Program

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cc: Ross Potter
John Conroy